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Egypt: Treatment of failed refugee claimants who return to Egypt (April 2006)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Current information on the treatment of failed refugee claimants who return to Egypt could not be found among the sources consulted. In 28 March 2006 correspondence sent to the Research Directorate, an official from the Canadian embassy in Cairo stated that his office is "not aware of any cases of rejected refugee applicants, Muslim or Christian, being detained or tortured after being returned to Egypt."

However, various reports highlight the case of Ahmed Agiza and Mohammed al-Zari, two Egyptian asylum seekers who were denied protection under the 1951 Refugee Convention by Swedish authorities (HRW 13 Jan. 2005) before being expelled to Egypt in December 2001 (ibid.; ibid. 18 Jan. 2006; AI 7 Oct. 2005). Despite the fact that Swedish authorities received assurances against torture of these men from the Egyptian authorities, the two men were held incommunicado in police custody after their return to Egypt and subsequently claimed that they had been "tortured" (ibid.; HRW 20 May 2005; ibid. 13 Jan. 2005). Sweden suspected Ahmed Agiza and Mohammed al-Zari of "terrorist activities" (HRW Apr. 2005).

In March 2006 correspondence sent to the Research Directorate, an assistant professor of Political and International Studies at Trinity Western University and a senior fellow at Freedom House's Center for Religious Freedom said that they were not aware of any specific cases of mistreatment of failed refugee claimants who returned to Egypt. However, they provided the following information concerning treatment of detainees in the custody of Egyptian authorities.

Both sources noted that the Egyptian Penal Code, particularly Article 80 (d), criminalizes the disclosure abroad of "false and tendentious news, statements or rumours on the internal situation in the country, with the aim of weakening confidence in its economy or undermining its stature or prestige..." (Freedom House 24 Mar. 2006; Assistant Professor 27 Mar. 2007) and provides for custodial sentences of six months to five years, or a fine or both (ibid.). The senior fellow at Freedom House's Center for Religious Freedom speculated that "since refugees claimants must necessarily have complained about their situation in Egypt, they can [be treated under Article 80(d) of the Penal Code]" (24 March 2006). The director of the Middle East and North Africa Division at Human Rights Watch (HRW) wrote in a 2003 letter to the prosecutor general in Egypt that Article 80(d) of the Penal Code "place[s] most forms of peaceful dissent from government policy under the pall of potential criminality" (HRW 28 Aug. 2003).

The assistant professor also pointed out the existence of the Emergency Law of 1981, which provides Egyptian security forces with powers of arbitrary arrest and detention, and the existence of "laws against defaming Egypt, against apostasy, against proselytizing, and against receiving funds from foreign sources" (27 Mar. 2006). The assistant professor concluded that

[g]iven the arbitrary nature of arrest and detention in Egypt, it is difficult to predict how a returning refugee claimant will be treated. However, if the nature of the claim included one of the areas that I have spelled out, including [crimes in accordance with Article 80 (d) of the Penal Code and], the broadly-defined crimes of defaming Egypt, apostatizing, proselytizing, or receiving funds from foreign sources, this person may well be liable to prosecution. Furthermore, given the ability of security services to do their work with little restraint, claimants may simply be detained and interrogated without formal charge in the attempt to ensure that their case is fully understood by the Egyptian authorities. These detentions could range anywhere from simple incarceration and questioning to more coercive forms of questioning and torture. Much of this depends on the perception of the threat assumed of the detainee and the aims of the detaining office. Additionally, the popular media and some Islamist movements often publicize these cases in an attempt to intimidate and motivate prosecution of these alleged crimes. Occasionally this results in public vigilantism and demonstrations that are either co-opted, tolerated or frowned upon by the government at local and national levels. As a result, there is no certainty that a returning refugee claimant will be detained or intimidated, but neither is there a particularly convincing guarantee against it (27 Mar. 2006).

However, in correspondence dated 13 December 2005 from an official with the Canada Border Services Agency (CBSA), it is stated that "[a]t no point during the removal process are foreign authorities informed that an individual has made a refugee claim in Canada."

Egypt has ratified the United Nations Convention against Torture (HRW 20 May 2005; *ibid.* Apr. 2005), and Egyptian law prohibits torture (*ibid.* 20 May 2005). However, several reports indicated that torture abuses are widespread in Egypt (HRW 18 Jan. 2006; *ibid.* Feb. 2004; BBC 11 May 2005). Referring to Ahmed Agiza's case, some reports stated that in May 2005, the United Nations (UN) Committee Against Torture ruled that Sweden violated the absolute prohibition on torture by returning him to Egypt in 2001 (HRW 18 Jan. 2006; see also BBC 21 May 2005; *ibid.* 11 May 2005). Also, referring to this UN Committee Against Torture decision, a 21 May 2005 BBC report stated that "Egypt resorted to consistent and widespread use of torture against detainees and that the risk of such treatment was particularly high in the case of detainees held for political and security reasons." In addition, a 7 October 2005 AI report noted that

[i]n Egypt, suspected members of armed Islamist oppositions and political opponents of the government, including those returned from abroad are frequently tortured, particularly at the State Security Intelligence (SSI) headquarters in Lazoghly Square, Cairo, but also [at] other SSI branches, at police stations and occasionally [in]prisons.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

Amnesty International (AI). 7 October 2005. "Urgent Action: Austria: Risk of Forcible Return/Torture: Muhammad 'Abd Al-Rahmin Bilaso-Ashri." (EUR 13/001/2005). <<http://web.amnesty.org/library/Index/ENG/EUR130012005?open&of=ENG-369>> [Accessed 27 Mar. 2006]

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British Broadcasting Corporation (BBC). 21 May 2005. "Sweden 'Violated' Torture Treaty." <<http://news.bbc.co.uk/1/hi/world/europe/4568041.stm>> [Accessed 29 Mar. 2006]

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Freedom House. 24 March 2006. Center for Religious Freedom, Washington, DC. Correspondence from a senior fellow.

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_____. February 2004. "Egypt's Torture Epidemic." <<http://hrw.org/english/docs/2004/02/25/egypt7658.htm>> [Accessed 29 Mar. 2006]

_____. 28 August 2003. "Egypt: Drop Emergency Law Prosecutions for Peaceful Dissent." <<http://www.hrw.org/press/2003/08/egypt082803-ltr1.html>> [Accessed 4 Apr. 2006]

Additional Sources Consulted

Oral sources:

1) A visiting professor of Forced Migration and Refugee Studies at the American University in Cairo did not have any information on the subject.

2). The following person and organizations did not respond to Research Directorate requests for information: Amnesty International (AI), the Canadian Embassy in Egypt, Human Rights Watch (HRW), the North Africa Project Director at International Crisis Group (ICG) and the United Nations High Commissioner for Refugees (UNHCR).

Internet sites, including: Amnesty International (AI), The Center for Public Integrity [Washington], the Egyptian Organization for Human Rights (EOHR), European Country of Origin Information Network (ECOI), the United Nations High Commission for Refugees (UNHCR), the United Nations Integrated Regional Information Networks (IRIN), the United States Department of State, World Organisation Against Torture (OMCT).

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